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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JASMIN, LYNDIA C

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,120

Applicant(s)

~~TORICCHI ET AL.~~

MARTIN ET AL.

Examiner

Lynda Jasmin

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 18 is objected to because of the following informalities: claim 18 should depend from claim 17 for proper dependency. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 7-12 and 19-25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, the recitation "the manufacturer" lacks proper antecedent basis.

In claim 7, line 5, the recitation "the assembling facility" lacks proper antecedent basis.

In claim 10, the recitation "the manufacturer" lacks proper antecedent basis.

In claim 19, line 7 the recitation "at the assembling facility" lacks proper antecedent basis.

In claims 21 and 22, the recitation "the manufacturer" lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Dworkin (4,992,940).

Dworkin discloses a method of ordering material (goods and services) with the steps of: considering the quantity of material (goods) available from a plurality of suppliers (col. 7, lines 54 and 55), identifying a supplier to receive an order for material (via displaying supplier information, col. 7, lines 37-40), and sending electronically an order for material to the supplier identified to receive the order (col. 8, lines 25-28).

Dworkin further discloses the method where the order requires delivery of the material within a specified period of time and where the specified period of time is less than one day (col. 7, line 56-59).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. As best understood, claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin, in view of Kadaba (6,539,360).

Dworkin discloses the elements of the claimed invention, but fails to explicitly disclose sending material to a supplier center, taking title/ownership by the manufacturer to a material after the material is shipped by a supplier.

Kadaba discloses the concept of processing packages where items are items are sort by package consolidation points.

From this teaching of Kadaba, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin's method of ordering goods and service from a plurality of vendors to include the shipping center as taught by Kadaba in order to facilitate consolidation and special handling of material.

9. As best understood, claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin, in view of Peterson et al. (6,324,522 B1).

Dworkin discloses the elements of the claimed invention, but fails to explicitly disclose taking title/ownership by the manufacturer to a material after the material is shipped by a supplier.

Peterson et al. discloses the concept of where suppliers are authorized by the manufacturer of an item to distribute the item.

From this teaching of Peterson et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dworkin's method of ordering goods and services from a plurality of vendors to include the product ownership as taught by Peterson et al. in order to provide complete access of product inventory by a manufacturer.

10. As best understood, claims 2, 7, 8, 11-14, 17-19 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin, in view of Lemchen et al. (6,594,642 B1).

Dworkin discloses the elements of the claimed invention, but fails to explicitly disclose a manufacturer realizes a demand for a material after orders are received from customers, fulfilling the orders requiring assembling a products, and assembling the material/computer system at an assembling/manufacturing facility from the material received at the assembly/manufacturing facility.

Lemchen discloses the concept of ordering and manufacturing personalized products where orders requiring manufacturing are fulfills and machine instruction are sent to the assembling line or a robotic machine at a manufacturing facility.

From this teaching of Lemchen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modify the method of ordering goods from a plurality of vendors of Dworkin to include the online ordering and to manufacture product according to machine instruction generated from customer specification as taught by Lemchen in order to facilitate selection of product without keeping a large inventory at a manufacturer facility.

11. As best understood, claims 9, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin, in view of Lemchen, and further in view of Kadaba (6,539,360).

The Dworkin and Lemchen combination discloses the elements of the claimed invention, but fails to explicitly disclose sending material to a supplier center. Kadaba discloses the concept of processing packages where items are items are sort by package consolidation points.

From this teaching of Kadaba, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dworkin's and Lemchen's method of ordering goods and service to include the shipping center as taught by Kadaba in order to facilitate consolidation and special handling of material.

12. As best understood, claims 10, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin, in view of Lemchen, and further in view of Peterson et al. (6,539,360 B1)

The Dworkin and Lemchen combination discloses the elements of the claimed invention, but fails to explicitly disclose taking title/ownership by the manufacturer to a material after the material is shipped by a supplier.

Peterson et al. discloses the concept of where suppliers are authorized by the manufacturer of an item to distribute the item.

From this teaching of Peterson et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dworkin's and Lemchen's method of ordering goods and services to include the product ownership as taught by Peterson et al. in order to provide complete access of product inventory by a manufacturer.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lisinski et al. (5,260,866) discloses a method of generating work orders for the manufacture of an end item.

Dietrich et al. (5,630,070) discloses for constrained material requirements planning.

Farrell et al. (6,282,518 B1) discloses an online ordering of industrial products.


Boyert et al. (2002/0082887 A1) discloses a distribution system where ordered goods are supplied to a delivery points for pickup.

Chesley et al. (2002/0138403 A1) discloses a method of generating order for a plurality of buyers and vendors.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.


Lynda Jasmin
Examiner
Art Unit 3627

lj
July 28, 2003